

## MINUTES

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

2/13/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 03-00523SOM  
CASE NAME: USA vs. (05) Vincent Gilbert  
ATTYS FOR PLA: Thomas Muehleck  
ATTYS FOR DEFT: 05 Lane Takahashi  
Carter Lee (USPO)

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JUDGE: Susan Oki Mollway

REPORTER: Sharon Ross

DATE: 2/13/2006

TIME: 11:00 - 11:20

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COURT ACTION: EP: Sentencing to Count 1 of the Indictment; Government's Motion for Downward Departure -

Defendant (05) Vincent Gilbert present.

Court adopts the PSR, and it is filed under seal along with the USPO's recommendations.

Allocution by the Defendant.

Government's Motion for Downward Departure - Granted.

The Memorandum of Plea Agreement has been accepted by the Court.

ADJUDGED:

Imprisonment: 70 Months.

Supervised Release: 4 Years.

Special Assessment: \$100.00.

CONDITIONS:

- ▶ That the defendant shall abide by the standard conditions of supervision.
- ▶ That the defendant not commit any crimes, federal, state, or local (mandatory condition).
- ▶ That the defendant not possess illegal controlled substances (mandatory condition)
- ▶ That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than but no more than 8 valid drug tests per month during the term of supervision unless there is a positive drug test, in which event, the maximum shall increase up to one valid drug test per day as directed by the Probation Office.
- ▶ That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ▶ That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
- ▶ That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
- ▶ That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
- ▶ That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

JUDICIAL RECOMMENDATIONS: 1) Terminal Island; 2) Lompoc; 3) Mental Health Treatment; 4) Educational and Vocational Programs; 5) Medical Treatment; and 6) 500 Hour Comprehensive Drug Treatment Program.

Defendant advised of his right to appeal.

Government's Motion to Dismiss Count 7 - Granted.

Mittimus stayed until 3/27/06.

Defendant to self surrender @ 10:00 a.m. 3/27/06 at the facility designated by the BOP.  
The time is the time at the facility.

Submitted by: Toni Fujinaga, Courtroom Manager.